

Licensing Sub-Committee

Tuesday, 26th November, 2024

PRESENT: Councillor J Gibson in the Chair

Councillors J Bowden and D Seary

1 Election of the Chair

RESOLVED – That Cllr J Gibson be elected as Chair for the duration of the meeting.

2 Appeals Against Refusal of Inspection of Documents

There were no appeals.

3 Exempt Information - Possible Exclusion of the Press and Public

The agenda contained no exempt information. However, in respect of Agenda Item 6 – Applications to transfer a premises licence and to vary a premises licence to specify an individual as Designated Premises Supervisor for Retail Unit No. 1, 58 Harehills Road, Harehills, Leeds, LS8 5LE, the Committee was advised that it may be necessary for the meeting to move into closed session should Members wish to discuss information provided by West Yorkshire Police. Minute No. 6 refers.

4 Late Items

There were no formal late items.

5 Declaration of Interests

No interests were raised.

6 Applications to transfer a premises licence and to vary a premises licence to specify an individual as Designated Premises Supervisor for Retail Unit No. 1, 58 Harehills Road, Harehills, Leeds, LS8 5LE

The report of the Chief Officer (Elections and Regulatory) presented two applications received by the Licensing Authority in respect of the premises known as Retail Unit No. 1, 58 Harehills Road, Harehills, Leeds, LS8 5LE. The matters are as follows:

- a) An application to transfer the premises licence; and
- b) An application to vary the premises licence to specify an individual as the Designated Premises Supervisor (DPS).

The application to transfer the premises licence is made to appoint Wine Plus Ltd, as the licence holder and the application to vary the premises licence is made to specify Goran Mahmoud Ahmed as the DPS.

West Yorkshire Police have lodged objections to each of the applications on the grounds of the prevention of crime and disorder.

The following were in attendance for this item:

- Usama Patel, Good & Co. Solicitors Ltd. – Applicant's Representative
- Goran Mahmoud Ahmed, Sole Director of Wine Plus Ltd. and the proposed DPS
- PC Neil Haywood, West Yorkshire Police – Objector

The Legal Officer outlined the proceedings for the hearing and in doing so, two applications were made to table additional information by both parties. Including:

- The applicant provided information relating to a refusal log kept at the premises and a customer survey.
- West Yorkshire Police explained that they had some intelligence they wished to share in closed session with Sub-Committee Members only, as it included intelligence that could not be shared with the applicant.

Parties in attendance did not object to the information being tabled, and therefore it was

RESOLVED – to accept the information by both parties.

The Licensing Officer presented the application as per the submitted report.

The applicant's representative informed the Sub-Committee of the following:

- Mr Ahmed is 54 years of age and has been living in the UK since 2008. He applied for a licence for a personal licence in September 2024, and the application was successful.
- Mr Ahmed took over the lease at 58 Harehills Road on 17th October 2024, where the store initially opened. He made an application to the council for both the transfer of the premises licence and to designate himself as the DPS where an objection from the police followed.
- The objection from the police relates to Mr Ahmed being convicted of an offence in the Proceeds of Crime Act 2002 where he received a 24-month custodial sentence. The Sub-Committee were informed that Mr Ahmed was approached by an individual in the community and he agreed for them to use his bank details for a fee. Mr Ahmed pleaded guilty and was sentenced.
- Prior to the sentence, Mr Ahmed has not committed an offence and is believed to be a person of good character.
- Following his release from prison, Mr Ahmed worked in a store, Bucharest Off Licence. There was an operation with HMRC Trading Standards linked with the store for illicit non-duty paid tobacco, alcohol and vapes. Mr Ahmed worked at the store as an employee and was not directly involved in that operation.
- Mr Ahmed sees Wine Plus as an opportunity to create a successful business in the area and he is aware of his obligations under the Licensing Act 2003 and he has already been running the store since October 2024, without any issues.
- Mr Ahmed has kept a refusal log and a survey of customer satisfaction which was handed to Sub-Committee Members to look at.
- The applicant's representative summarised by explaining the applicant's conviction is not listed as a relevant conviction under the Licensing Act 2003 and it is not considered a means to use this against the applicant.
- The applicant lives in the area and understands present issues.

Responding to questions put forward by Sub-Committee Members, the following was explained:

- The landlord of the premises is currently the DPS and if the applications are unsuccessful there would be an agreement reached between the landlord and the applicant to operate business jointly.
- Mr Ahmed doesn't allow people to congregate outside of the shop drinking alcohol and he is aware of drug related problems in the area.
- The Licensing Officer confirmed that there are currently 21 licensed off-licence premises in the area.
- Mr Ahmed confirmed that there was also 4-5 other people working in Bucharest Off Licence and as the person present who was the best speaker of English, he cooperated with the police when asked to present receipts for alcohol. Mr Ahmed explained that he did not sell cheap tobacco and vapes behind the till.

PC Haywood informed the Sub-Committee of the following:

- Wine Plus is located directly near Bucharest Off Licence, which previously had a licence for off-sales before the Licensing-Sub Committee revoked its licence in January 2024. Following an inspection at Bucharest, a large number of illicit non-duty paid goods were seized. It is considered to be part of a bigger operation in Harehills, carried out by organised crime groups.
- It is believed that Mr Ahmed and the previous licence holder of Bucharest are involved or related and that they are both linked to Bucharest Off Licence.
- Mr Ahmed has previously convictions of fraud and took part in a serious offence where he was sentenced for 24-months. This evidences bad character.
- A 24-month sentence isn't awarded for a bad decision, and Mr Ahmed was awarded the highest band of sentence for imprisonment.
- It is believed that Mr Ahmed is not a fit and proper person to run a licensed premises in Harehills and the police believe that he will commit offences if he runs the premises, to boost profits.

The applicant's representative responded by explaining sentencing guidelines and explained he believes that Mr Ahmed's sentence reflects someone in a lesser role than what has been perceived. It was also confirmed that Bucharest was owned by a partner of Mr Ahmed and was subsequently sold by that person. It was confirmed that Mr Ahmed was not working at Bucharest at the time of the inspection and seizure of goods.

At this stage of the meeting, Members were asked to consider moving into private session as the discussion was likely to involve the disclosure of exempt information. This related to intelligence gathered in relation to the applicant. Those issues fell within the provisions of Access to Information Procedure Rules 10.4 (7).

RESOLVED – That, in accordance with Schedule A to the Local Government Act 1972 and the Council's Access to Information Procedure Rules, the public be excluded from the meeting during consideration of the following parts of the agenda designated as exempt from publication on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information.

The meeting then resumed in a public forum.

The applicant's representative summarised by explaining the applicant wants to be given the opportunity to do things properly and he has demonstrated that already by keeping a refusal log. It was confirmed that he only uses reputable suppliers and it is considered that money laundering is not on the list of relevant convictions. Mr Ahmed explained that he is doing his best and pleaded to the Sub-Committee to award him the opportunity to do better, and explained he is aware his licence would be at jeopardy if any illegality occurred.

RESOLVED – To:

- a) Reject the application to transfer the premises licence to Wine Plus Ltd.
- b) Refuse to specify Goran Mahmoud Ahmed as the DPS.